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*All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.*

-- Article 1, Section 1, New Jersey State Constitution

## **A Critical Guide to the Second Amendment, Part VII The States' Right Model**

By Glenn Harlan Reynolds

No discussion of the Second Amendment would be complete without referring to the "states' right" or "collective right" model, an interpretation which argues that the Second Amendment protects not the right of individuals [to keep and bear arms], but only a right of the States. Thus, the Second Amendment simply protects the right of states to have a "well regulated militia", the purpose of which is to be a military counterweight to the federal government's standing army. The right is thus assertable only by states, not by individual citizens.

Gun-control activist Dennis Henigan, Director of the Legal Action Project at the Center to Prevent Handgun Violence, writes that "The purpose of the [Second] Amendment was to affirm the people's right to keep and bear arms as a *state militia*, against the possibility of the federal government's hostility, or apathy, toward the militia." His argues "that the Second Amendment guarantees a right of the people to be armed only in service to an organized militia." He asserts that James Madison "saw the militia as the military instrument of state government, not simply as a collection of unorganized, privately armed citizens. Madison saw the armed citizen as important to liberty to the extent that the citizen was part of a military force organized by state governments, which possesses the people's 'confidence and affections,' and 'to which the people are attached.' This is hardly an argument for the right of people to be armed against government per se." (*Arms, Anarchy, and the Second Amendment*, 26 Val. L.

Rev. 107 (1991). In Henigan's view the Second Amendment guarantees state military forces that can serve as a counterweight to a standing federal army. Thus the rights enjoyed by the states under the Second Amendment would be determined by the goal of preserving an independent military force not under federal control.

The most obvious flaw of this theory is the failure of its own proponents to take it seriously, for a "states' rights" interpretation would do far more than is generally advertised. If states possess a constitutional right to maintain militias (or "state armies" as former Chief Justice Burger calls them) then the Second Amendment repeals many of the restrictions on state military power contained in Article I, Section 10 of the Constitution. Furthermore, if states have a right to maintain their own militias, independent of federal control, they obviously have the right to equip those militias. Otherwise, the "right" would be meaningless, as the federal government could, by regulating weaponry, render the counterweight ineffectual.

Since many states would balk at buying guns for their citizens, quite a few might do what Congress did in 1792: require their citizens to own military-type weapons, perhaps even machine guns, howitzers, and the like. If they did so, federal gun-control laws would be preempted; otherwise the state right would mean nothing. So the states' rights interpretation necessarily leads to states' power to nullify federal gun control laws, by allowing their citizens to possess weapons as part of a militia. Congress' power to supervise the arming and training of the militia, (Article I, Section 10 clause 16), would have to be viewed as modified by the

Second Amendment, if we are to give the states' rights interpretation meaning.

One might try to avoid this problem by declaring that the National Guard is the States' "militia", but, for reasons set out above, it is pretty obviously not true. Also, if the National Guard is the militia, then it is unconstitutional under the Second Amendment because it is not independent. After all, a counterweight to the federal standing army can hardly be such if it is as dominated by the federal government, as the National Guard is. The National Guard is not a "state army" but a federally funded and controlled force with a (very) thin facade of state control. The Supreme Court so reasoned in *Perpich v. U.S.* (496 U.S. 334 (1990)). The Court addressed the question of what limitations are imposed on the National Guard under the Constitution's militia clauses, specifically whether governors could prevent their National Guard units from being sent abroad for controversial training missions in Central America. The Court concluded that Congress' powers to raise armies and make war, rather than its militia powers, were implicated. [Thus the governors lost, and "their" National Guard units were sent abroad. -- Ed.]

If the states' right interpretation were applied across the board it would have rather dramatic consequences. States' rights, after all, formed the core of the losing argument in *Brown v. Board of Education* [segregated schools--Ed.] --and, for that matter, of the Civil War. Yet if we decide that the Second Amendment embodies this states' right theory, we would have to assume that the Framers had the same intentions elsewhere in the Constitution. Thus, unless we are to

be entirely incoherent, we must seriously consider rethinking constitutional history all the way back to *Brown*, and indeed to *McCulloch v. Maryland* [1819, determining the distribution of powers between the federal government and the states – Ed.] Yet it seems unlikely that we will be willing to go that far.

The view that the states are the primary constituents of our Constitution, though it has an ancient (if not always honorable) history, is not one that enjoys great esteem or adherence today given the past. Nor is it particularly consistent with either the language or the history of the Constitution. State's rights theorists make much of the Second Amendment's "preamble," but the Constitution's Preamble declares that the Constitution was ordained and established by "We the People," not "We the States." Furthermore, the Constitution was ratified by special conventions of the people, not by state legislatures.

These important issues have not been raised, much less addressed, by Henigan and other proponents of the states' rights theory. It is no accident that most of them are not practicing academics, but politicians and issue-oriented activists. If I may mix my scientific metaphors, the states' rights theory may be analogized to "creation science," which does not work from the bottom up, synthesizing research into a coherent approach. It works from the top down, starting with its conclusions and looking for evidence that supports them whether or not it forms a consistent whole. Similarly, the states' rights interpretation of the Second Amendment, which pays little attention to text, history, or structural sense, is not really constitutional law. It is simply a slogan.

That is probably why advocates of the states' rights theory are short on specific historical evidence. As Stephen Halbrook puts it: "In recent years it has been suggested that the Second Amendment protects the 'collective' right of states to maintain militias, while it does not protect the right of 'the people' to keep and bear arms. If anyone entertained this notion in the period during which the Constitution and Bill of Rights were debated and ratified, it remains one of the most closely guarded secrets of the eighteenth century, for no known writing surviving from the period between 1787 and 1791 states such a thesis. (*That Every Man Be Armed: The*

*Evolution of a Constitutional Right* 83 (1984).

Indeed, as Don Kates points out, the states' rights theory did not appear until this century, when it seemed necessary to uphold gun control laws--primarily intended to disarm black people and immigrants--against Second Amendment challenge (*Handgun Prohibition and the Original Meaning of the Second Amendment*, 82 *Mich. L. Rev.* 204 (1983)).

As David Kopel writes: "New York State passed the 1911 Sullivan Law to license handguns while the *New York Tribune* complained about pistols found 'chiefly in the pockets of ignorant and quarrelsome immigrants of law-breaking propensities' and condemned 'the practice of going armed ... among citizens of foreign birth.'..." (*The Samurai, The Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies* 342 (1991)).

Nor was New York the only state to follow this approach; in fact, it was widespread wherever "out" groups frightened the establishment. In the West, it was Chinese and Japanese immigrants who frightened the establishment into enacting restrictive gun laws; in the South it was Americans of African descent.

Not surprisingly, an effort to disarm citizens deemed undesirable, inferior, or not sufficiently submissive is hardly consistent with the Second Amendment's notions of popular sovereignty, fearless, self-reliant citizens, and an individual right to bear arms. Thus, such actions were justified by the invocation of a new theory. Instead of placing the right to keep and bear arms in individuals--which necessarily would include persons whom many in the establishment did not trust--the argument was that the Second Amendment placed the right to arms in the very state governments that were then busy disarming "undesirable" groups. This "states' rights" argument thus served the same purpose as most "states' rights" arguments--to protect a racially discriminatory power structure from constitutional scrutiny.

The states' rights argument was never meant to be taken seriously; it was always simply a justification for statutes aimed at disarming untrustworthy segments of the populace.

Of course, nowadays many believe that the entire populace, not simply some racially- or nationally-defined segment of it, is untrustworthy where weapons are concerned. This may or may not be true. However, such

a view is certainly inconsistent with that embodied in the Second Amendment. If that view is to receive legal effect, it must be in spite of the Second Amendment, not because of it.

-- 62 *Tenn. L. Rev.* 461-511 (1995)

### So Long, Mate

In 2005 the Australian Parliament passed anti-terrorist legislation that allows the Federal Police to apply for a preventative detention order that will result in a person being jailed for up to 14 days because it is thought that he might commit an offence. A preventative detention order is obtained in secret, without a trial. The person jailed is not allowed to know the evidence which was used against them.

Another provision allows the Federal Police to obtain a control order, which can include house arrest for up to 12 months, without access to telephone or the internet. Control orders are obtained without any trial, and on secret evidence.

Also the Attorney-General has power to prevent a party from hearing the evidence against him, or even from hearing the government's submissions. For example, a recent AG certificate declares that disclosure of the contents of the government's documents would be contrary to the public interest. And it also certifies that evidence proposed to be adduced and submissions proposed to be made are of such a nature that the disclosure would be contrary to the public interest.

In addition, the AG can prevent a party from producing exculpatory evidence in legal proceedings if that evidence might adversely affect national security. Unfortunately, the definition of 'national security interest' is extremely wide. Revealing the CIA's activities in Baghdad or Guantanamo Bay is deemed, by the legislation, to affect national security interests.

Secret trials on secret evidence are a real possibility in Australia right now. It is a supreme irony that the legislation has been justified as part of the war which is supposed to save our democracy from terrorism.

-- AustraliaFreePress.org

### Where Are the Americans?

The Internal Revenue Service is warning churches and nonprofits that political campaigning could endanger their tax-exempt status.

Last year the IRS warned All Saints Episcopal Church in Pasadena that it was reviewing its status because a priest criticized the Iraq war shortly before the 2004 election.

The IRS' enforcement program - the Political Activity Compliance Initiative - was announced in February to more than 15,000 tax-exempt organizations, church denominations and tax preparers.

The IRS will no longer wait for an annual tax return before investigating allegations of wrongful campaigning. A three-member committee will vote on whether to pursue the investigation.

"While the vast majority of charities and churches do not engage in politicking, an increasing number did take part in prohibited activities in the 2004 election cycle," IRS Commissioner Mark W. Everson said. "The rule against political campaign intervention by charities and churches is long established."

The IRS has investigated more than 200 organizations since 2004. Three lost their nonprofit status (none were churches) and 59 received warning letters. Some were ordered to pay an excise tax.

An advocacy group predicts a chilling effect on free speech and accuses the agency of using vague standards and lacking completion deadlines.

OMB Watch, a Washington-based nonprofit government watchdog group, recommends the IRS develop complaint standards and create clear rules defining partisan activities.

All Saints still awaits a resolution. Two days before the 2004 presidential election, the Rev. George F. Regas delivered a sermon that pictured Jesus in a debate with candidates George W. Bush and John Kerry.

Although Regas didn't endorse a candidate, he said Jesus would have told Bush that his preemptive war policy "has led to disaster."

The IRS sent the church a letter stating that "a reasonable belief exists that you may not be tax-exempt as a church."

Church leaders have not heard from the IRS since October. The IRS won't confirm or deny whether the investigation is still open.

Marcus Owens, a former head of tax-exempt organizations at the IRS and now an attorney representing All Saints, called the agency's silence "deafening and extraordinary."

Owens also represents the NAACP, which drew the IRS' attention after its chairman, Julian Bond,

criticized the Bush administration's policies on civil rights. The speech from Bond was removed from the organization's website shortly before the election.

All Saints, though, has not fallen silent. Since the 1940s, the church has championed civil rights, women's rights, gay rights and, most recently, has launched an interfaith coalition against the war in Iraq.

"We support the IRS regulations and have always seen ourselves as being on the correct side of the line," said Robert Long, senior warden for All Saints.

The IRS code bans nonprofits from "participating or intervening" for "any candidate for public office." But nonprofits are allowed to speak out as long as "a substantial part of the organization's activities is not intended to influence legislation."

Rep. Adam B. Schiff (D-Burbank) and two Republican colleagues have called for the Government Accountability Office to investigate the IRS, expressing concern about the 1st Amendment rights of clergy. The GAO turned down their request, citing confidentiality of IRS investigations, Schiff said.

The OMB Watch report, Schiff said, has motivated him to again seek a response from the IRS. He wants the report's recommendations to be adopted.

"I think the guidelines are so ambiguous and unclear, anyone standing behind the pulpit has to be wondering what they can say on the most important issues of the day," he said.

Lois G. Lerner, director of the IRS' exempt organizations division, counters that the agency is only enforcing the law.

-- Washington Post, July 18, 2006, "IRS Warns Churches to Stay Neutral on Politics"

Ed.: where are the Americans in this sorry tale? Aside from Rev. Regas there don't seem to be any--whether you agree with him or not at least he spoke his mind.

"Congress shall pass no law ...abridging the freedom of speech...." (1<sup>st</sup> Amendment). By that constitutional standard IRS commissioner Everson is no American, as he blusters about his executive branch "rule" against politicking (when only Congress can legislate "rules"); nor are the OMB Watch staffers Americans, they want guidelines on what can be said. Nor is

former IRS attorney Owen, who accepted tax money to monitor tax-exempt organizations, but now takes the other side; nor Julian Bond, who removed his comments from the NAACP website; nor All Saints senior warden Mr. Long, who supports IRS regulations; nor IRS agent Ms. Lerner, who believes IRS rules are the law.

The Congressmen deserve credit, of sorts, but they have taken no action to try to cut the IRS' budget, and the GAO's too, for hiding the behind a "confidentiality" smokescreen. So, again, ... where are the Americans?

## Nightmare Racism and Open Call for Revolution

By Alex Jones

For many years, I have been aware of the Atzlan reconquista movement, which openly wishes to take over the United States from California to Louisiana, reunite it with Mexico and forcibly drive out all whites, as well as many blacks, from these states.

Then I began to learn that Mexican Independence Day Dies y Seis celebrations in the U.S., which in the past were simply fun equivalents of a Mexican Saint Patrick's Day, were being infiltrated by extremist Mexican hate groups.

I put the call out a day before the parade to my radio listeners that all Americans who understood the threat of the reconquistas should assemble in front of the Capitol to simply educate other well-meaning celebrants who hadn't realized that the Atzlan crowd had co-opted their parade.

Our press release clearly stated that we were there to expose racist groups that were preaching their message in the Hispanic community, and that these groups were creating division that was detrimental to everyone.

Our crowd of about a hundred consisted of at least 15 Hispanics and 10 blacks.

At least a third of the participants we talked to said that Texas was Mexico and that they were taking over. Their responses ranged from a belief that our two countries would merge into one nation to that all whites would be killed and that the entirety of the Americas would only be for "indigenous peoples."

Of course the haters shouting all of this had European Spanish blood coursing through their veins.

We have ten hours of footage which includes people frothing and

*In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. – Mark Twain*

screaming racist comments and then calling us racists for saying that we should all live together in peace.

Near the end of the melee one of my Hispanic friends began pointing out people wearing shirts promoting the Plan of San Diego. Another friend who has taken Latin-American studies pointed out another shirt mentioning the Plan of San Diego.

Folks, every time I think I know everything about Texas history, I learn how ignorant I am. My friends told me that the Plan of San Diego was a plan in Northern Mexico and throughout the Southwest hatched in 1915 that called for the genocide of all white males over 16.

I've known my friends for many years, but I couldn't believe them. I got home and spent hours on the Internet at the University of Texas' website, at other universities' websites in Mexico and Illinois, and on the website of the Hispanic Historical Society.

What I learned chilled me. They didn't just write up a plan, they acted upon it, killing at least 21 white males in South Texas in cold-blood. We're talking helter-skelter, Charlie Manson-type cold-blooded murder of random white ranchers and farmers: cornering people and hacking them up.

I then found websites making excuses by saying, "well, whites did this to natives..." Yes they did. Select military units did, which should have been brought to justice. And I've spoken out against them, be it at Wounded Knee or in Waco.

Think about it: full-grown adult men in 2005 with their families wearing shirts calling for the killing of all white males above 16. Will there be a genetic test? Will Hispanics who are more than half white be killed? How far will this racial state go?

This is the nightmare of tribalism. As this intensifies it's only going to create friction on both sides. None of us are going to be safe, whether we're from India, Mexico or Germany.

Speaking of Germany, the German government got wind of the Plan of San Diego, endorsed it in 1917 and attempted to fund an insurrection in the U.S. during WWI. The same thing happened during WWII.

According to Hispanic Historical Society's website, throughout most of early Texas history, Hispanics and whites got along wonderfully (this is obvious as many of the founders of Texas and its soldiers were Tejano) but after repeated wars and skirmishes with Mexico and the increased publicity of

the Plan of San Diego a racist sentiment against innocent Hispanics exploded.

We cannot let that happen here. We have got to get the Hispanic community to expose these vipers in their midst. The Federal government, in the name of "keeping us all safe from each other," would love to use something like this as an excuse to set up an incredibly powerful police state.

I don't want Hispanics looking at whites with fear, nor do I want whites looking at Hispanics with fear. We're all human beings. Empires have always sought to "divide and conquer" their populations to manipulate.

-- infowars.com Sept. 19, 2005

### Hispanic Leaders Speak Out

Richard Alatorre, Los Angeles City Council. "They're afraid we're going to take over the governmental institutions and other institutions. They're right. We will take them over . . . We are here to stay."

*Excelsior*, the national newspaper of Mexico, "The American Southwest seems to be slowly returning to the jurisdiction of Mexico without firing a single shot."

Professor Jose Angel Gutierrez, University of Texas; "We have an aging white America. They are not making babies. They are dying. The explosion is in our population . . . I love it. They are \*\*\*\*\* in their pants with fear."

Art Torres, Chairman of the California Democratic Party, "Remember 187--proposition to deny taxpayer funds for services to non-citizens--was the last gasp of white America in California."

Gloria Molina, Los Angeles County Supervisor, "We are politicizing every single one of these new citizens that are becoming citizens of this country . . . I gotta tell you that a lot of people are saying, 'I'm going to go out there and vote because I want to pay them back.'"

Jose Pescador Osuna, Mexican Consul General, "We are practicing 'La Reconquista' in California."

Are these just the words of a few extremists? Consider that we could fill up many pages with such quotes. Also, consider that these are mainstream Mexican leaders.

On February 15, 1998, the U.S. and Mexican soccer teams met at the Los Angeles Coliseum. The crowd was overwhelmingly pro-Mexican even though most lived in this country. They booed during the National Anthem and U.S. flags were held upside down. As the match progressed, supporters of the

U.S. team were insulted, pelted with projectiles, punched and spat upon. Beer and trash were thrown at the U.S. players before and after the match. The coach of the U.S. team, Steve Sampson said, "This was the most painful experience I have ever had in this profession."

Did you know that Mexico will not extradite to a country with capital punishment without a promise not to exercise capital punishment. According to the L.A. Times, Orange County, California is home to 275 gangs with 17,000 members; 98% of which are Mexican and Asian.

God help us, the fed won't.

Buck

### Dear Jimmy

Dear Jimmy,

Hope all is well in Iraq. We are so proud of you for going over there to fight for our freedom. A lot has happened since you left...

Our home was taken by the feds for back taxes we owed, and then the family business was condemned by the city so they could build a football stadium

Mom was arrested for carrying a gun in her purse and your brother is in prison for smoking a joint. At least your sister is okay, though she has to go to court for not wearing a seatbelt.

We wish you were here to help pay for all the legal fees, but just knowing you are over there fighting for the liberties we cherish makes it all worthwhile.

Love,

Dad

### Army Scrambles for Recruits

Fort Jackson, SC - The Army has begun training the oldest recruits in its history, in an effort to fill ranks depleted during the Iraq war.

In June, five months after it raised the enlistment age limit from 35 to just shy of 40, the Army raised it to just under 42.

To accommodate the older soldiers, the Army has lowered the minimum physical requirements needed to pass basic training.

The Army has the military's highest age limit. The Air Force's and Marines' limits are 27, while the Navy's is 35.

The Army, which supplies most of the troops for Iraq and Afghanistan, is on track to meet its recruiting goal of 80,000 new soldiers this year.

In 2005, the Army missed its 80,000 goal when it recruited 73,373

new soldiers. -- USA Today, July 31, 2006

### **Any War is Fine with VFW**

Joe Davis, spokesman for the Veterans of Foreign Wars, said military deserters aren't traitors because they've done nothing to help America's enemies. But he rejects arguments that deserters have a moral right to refuse to fight wars they consider unjust.

"None of us can choose our wars. They're always a political decision," Davis said. "They're letting their buddies down and hurting morale - and morale is everything on the battlefield."

-- "Thousands of Troops Say They Will Not Fight," Gannett News Service, Aug. 5, 2006

### **"In the Fuhrer's Face"**

When the fuhrer says we are the master race we heil (Bronx cheer), heil (Bronx cheer) right in the fuhrer's face.

Not to love the fuhrer is a great disgrace,

So we heil, heil right in the fuhrer's face.

Ist ve not das Superman, Ayran pure Superman?

Ja, ve ist das Superman,  
Super duper Superman.

Ist the Nazi land so good,  
Would you leave it if you could?  
Ja, the Nazi land is good,  
We would leave it if we could.

We bring the world disorder,  
The fuhrer's world disorder.  
But if you love the master race  
Heil, heil -- right in the fuhrer's face.

### **Louisiana Delegation Stands Up to U.N.**

The United Nation's effort to ban guns is headed up by a Non-Governmental Organization (NGO) named IANSA (International Action Network on Small Arms), a group of more than 500 member associations led by international anti-gun zealot Rebecca Peters. Peters has stated: "We want to see a drastic reduction in gun ownership across the world." IANSA, which makes no distinction between legal and illicit gun ownership, has largely set the agenda for the U.N.'s anti-gun conferences.

In response Senator David Vitter (R-LA) and Congressman Charles Boustany (R-LA) have introduced S. 1488 and H.R. 3436 respectively, to send a strong message to U.N. officials that America's Second Amendment rights are not up for negotiation.

H.R. 3436/S. 1488 would require that the President certify to Congress each year that the U.N. has taken no action to "restrict, attempt to restrict, or otherwise adversely infringe upon the rights of individuals in the United States to possess a firearm or ammunition, including the imposition of a tax that will interfere with the right to own a firearm or ammunition." If that certification is not or cannot be made the U.N. would lose all U.S. funding for the fiscal year.

-- NRA-ILA, July 26

### **Gunfighting 101**

1. Preferably have at least 2 guns at a gun fight, one of them a long gun. (Wyatt Earp used a shotgun at the OK Corral.)

2. If your stance is good, you're probably not moving fast enough or using cover correctly.

3. Move away from your attacker. (Lateral and diagonal movement are preferred.)

4. When not shooting, reload and run.

5. Have a plan.

6. Have a back-up plan.

7. Use cover and concealment as much as possible.

8. Flank your adversary when possible. Protect yours.

9. Tactical load and scan 360 degrees.

10. Watch their hands. In God we trust, all others keep your hands in view.

11. Decide to be aggressive enough quickly enough.

12. The faster you finish the fight, the less you will be shot.

13. Be polite, but have a plan to deal with everyone you meet.

14. Don't come to a gun fight with a handgun whose caliber doesn't begin with a "4".

15. Your best option is a life-long commitment to avoidance, deterrence and de-escalation.

Ed.: As good as these 15 pointers may or may not be how about checking out Jeff Cooper's *Principles of Personal Defense*, "considered by many to be one of the greatest books on combat mindset and proper defensive mental conditioning ever written." Available for \$13.95 plus \$6.95 S&H from Delta Press, 215 S. Washington Ave., El Dorado, AR 71730.

### **15 States Expand Right to Shoot in Self-Defense**

In the last year, 15 states have enacted laws that expand the right of self-defense, allowing crime victims to

use deadly force in situations that might formerly have subjected them to prosecution for murder.

Supporters call them "stand your ground" laws. Opponents call them "shoot first" laws.

The first of the new laws took effect in Florida in October. The other laws, mostly in Southern and Midwestern states, were enacted this year, according to the National Rifle Association.

The Florida law, which served as a model for the others, gives people the right to use deadly force against intruders entering their homes. They no longer need to prove that they feared for their safety, only that the person they killed had intruded unlawfully and forcefully. The law also extends this principle to vehicles.

The law does away with an earlier requirement that a person attacked in a public place must retreat if possible. Now, that same person "has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force." The law also forbids the arrest, detention or prosecution of the people covered by the law, and it prohibits civil suits against them.

The central innovation in the Florida law, said Anthony J. Sebok, a professor at Brooklyn Law School, is not its elimination of the duty to retreat, which has been eroding nationally through judicial decisions, but in expanding the right to shoot intruders who pose no threat to the occupant's safety.

"In effect," Professor Sebok said, "the law allows citizens to kill other citizens in defense of property."

Wayne LaPierre, executive vice president of the N.R.A., said the law had sent a needed message to law-abiding citizens.

"If they make a decision to save their lives in the split second they are being attacked, the law is on their side," Mr. LaPierre said. "Good people make good decisions. That's why they're good people. If you're going to empower someone, empower the crime victim."

The N.R.A. said it would lobby for versions of the law in eight more states in 2007.

Sarah Brady, chairwoman of the Brady Campaign to Prevent Gun Violence, said her group would fight those efforts. "In a way," Ms. Brady said of the new laws, "it's a license to kill."

Many prosecutors oppose the laws. "They're basically giving citizens more rights to use deadly force than we give police officers, and with less review," said Paul A. Logli, president of

the National District Attorneys Association.

But some legal experts doubt the laws will make a practical difference. "It's inconceivable to me that one in a hundred Floridians could tell you how the law has changed," said Gary Kleck, who teaches criminology at Florida State University.

Even before the new laws, Professor Kleck added, claims of self-defense were often accepted. "In the South," he said, "they more or less give the benefit of the doubt to the alleged victim's account."

-- New York Times, August 7, 2006

### **Murder and "The Free State"**

Historically, Maryland has had higher murder rates than the nation as a whole. In 1994, the year the now-defunct federal "assault weapon" ban was imposed, Maryland's government-dominated by anti-gunners--imposed an "assault pistol" ban, a "large" magazine restriction, a seven-day waiting period on "assault weapon" sales, and a law limiting "assault weapon" sales to dealers in "Regulated Firearms."

At the time, Maryland's murder rate was 29% higher than the national rate. Since then, Maryland has increased its gun control restrictions. Today Maryland's murder rate is 71% higher than the national rate. More gun control, more murder.

The solution? If you are CeaseFire Maryland, a Brady Campaign offshoot in "The Free State," it is more gun control.

CeaseFire has its work cut out for it. Despite having much more gun control than most states, Maryland's murder rate is higher than ever. And while the U.S. rate has been steady the last five years, Maryland's has risen 16%.

-- NRA/ILA Grassroots Alert Sept. 8, 2006

Ed.: Hey, wait a minute. New Jersey's gun grabbers are no slouch either; Camden is the murder capital of the U.S!

### **Live It Up at the Chateau Belvoir**

Army officials say they are considering allowing a private developer to build a 125-acre entertainment, hotel and conference center complex next to a national Army museum at Fort Belvoir that could draw more than 1 million people a year to traffic-choked southern Fairfax County, Virginia.

The Army is considering the entertainment venue to help offset the cost of the \$300 million museum, which is scheduled to open in 2013. No federal funds are being sought for the museum.

A Florida developer has submitted an unsolicited proposal for a military theme park that would include the "Chateau Belvoir" hotel and an entertainment district with bars like the "1st Division Lounge" and several "4D" rides.

"You can command the latest M-1 tank, feel the rush of a paratrooper freefall, fly a Cobra Gunship or defend your B-17 as a waist gunner," according to the proposal by Universal City Property Management III of Orlando.

-- Washington Post, August 8, 2006

### **USAF: Use Nonlethals on Americans First**

Washington - Nonlethal weapons such as high-power microwave devices should be used on American citizens in crowd-control situations before they are used on the battlefield, the Air Force secretary said Tuesday.

Domestic use would make it easier to avoid questions in the international community over any possible safety concerns, said Secretary Michael Wynne.

"If we're not willing to use it here against our fellow citizens, then we should not be willing to use it in a wartime situation," said Wynne. "(Because) if I hit somebody with a nonlethal weapon and they claim that it injured them in a way that was not intended, I think that I would be vilified in the world press."

-- "Official Touts Nonlethal Weapons for Use", AP Sept. 12, 2006

### **Remembering 9/11**

Five years ago terrorists brought down the Twin Towers in New York City ... and changed our country forever.

Unfortunately, one of the changes has been a loss of freedom at the hands of our own government. Under the guise of "safety" and "security", some of our most basic rights -- travel, self-defense, even what we see, hear, read, or say -- are being curtailed.

Yet it was the BATFE's enforcement of the 1968 Gun Control Act that helped the hijackers carry out their terrible plan. Had decent Americans been permitted to carry firearms on airplanes, it is likely that the hijackers could have been stopped. Indeed, the passengers of Flight 93 prove that Americans are willing to defend themselves. Had they been carrying firearms, they might have prevented the crash as well as the attack.

But why did only one group of passengers oppose the terrorists? Perhaps because they were the only ones who knew, via cell phone, what was happening. But perhaps there is another factor: in a society which endlessly promotes the idea that the government will protect you the American spirit has lost its will to fight back. How many passengers were simply waiting for someone "in authority" to save them?

It's time for us to stop waiting for others. We must take responsibility for our own security and be willing to fight back when necessary. The federal government, though such agencies as the BATFE, is tying our hands and leaving us helpless. We *cannot* accept this, or our fates will be no different than the fates of those who died in those vicious attacks.

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-- Jews for the Preservation of Firearms Ownership

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